

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

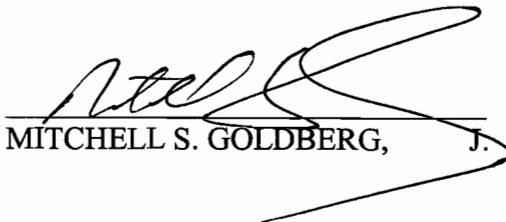
GEORGE SMITH [#FD-2316], Petitioner,	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
JON FISHER, et al., Respondents.	:	NO. 11-6018
	:	

ORDER

AND NOW, this 15th day of *February*, 2012, upon careful and independent consideration of the petition for a writ of habeas corpus, the response, and Petitioner's reply to the response, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED WITHOUT PREJUDICE;
3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that a reasonable jurist would debate the correctness of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:


MITCHELL S. GOLDBERG, J.